

GOV. MILLER NAMES
DEMOCRAT AS JUDGE

Selection of E. J. McGoldrick
for Weeks Vacancy Fore-
casts Bipartisan Deal.

CUSHING VICE HOTCHKISS

Morris Koenig and R. A. John-
stone Slated for the General
Sessions Bench.

Special Dispatch to THE NEW YORK HERALD.
New York Herald Bureau.
Albany, March 6.—Gov. Miller sent to the Senate to-
night the nomination of Edward J.
McGoldrick of New York for Justice
of the Supreme Court to succeed Bartow
S. Weeks, who died recently.
Mr. McGoldrick is named to the court
in the First Judicial district. He is a
Democrat and a Tammany man, a close
friend of Alfred E. Smith and Charles
F. Murphy. He was for many years
the legislative representative of the city
administration as an Assistant Corpora-
tion Counsel.
The Governor next week, it is under-
stood, will nominate Harry Cushing,
secretary of the Union League Club
of New York, to succeed Mr. D. H.
Hotchkiss, Justice of the Supreme
Court, who died to-day. The nomina-
tion is said to have been agreed upon.
There is said to be some sort of a
bipartisan agreement whereby both Mr.
McGoldrick and Mr. Cushing will be
nominated by both the Republican and
Democratic organizations in New York
next autumn when the two vacancies
will be filled at an election.

Terms of Agreement.
Such an agreement makes certain the
election of Mr. McGoldrick and Mr.
Cushing for full terms of fourteen years
at \$17,500 a year. Alfred E. Smith, who
governor in 1920, appointed McGoldrick
to fill an unexpired term, and the latter
was defeated in the election that autumn
by 2,900 votes by Eider Wasservogel.
A similar understanding is reported to
have been reached on the nomination of
two new judges for the Court of General
Sessions, to be created by a bill now
pending. The measure is urged by judges
and officials in New York to provide
necessary legal machinery to clear the
judicial courts.
The arrangement is said to be that
Morris Koenig, Republican, and brother
of Samuel Koenig, leader of the New
York county Republican organization,
and Robert A. Johnstone, Democrat and
Assistant District Attorney for years,
are to be named to fill the positions
until an election is held in the
autumn. Then both Koenig and John-
stone will be nominated by both the
Democratic and Republican organiza-
tions in New York and the offices removed
from politics by this division of the of-
fices equally between the parties.

A Complete Understanding.
Morris Koenig was appointed by Gov.
Miller a year ago to an unexpired term
in General Sessions, and was beaten in
the last election. Mr. Johnstone, for
years has been in charge of the appeals
bureau in the District Attorney's office.
Mr. McGoldrick's nomination was con-
firmed immediately. This is unusual,
although the same course was taken
when his nomination was sent in by Gov.
Smith two years ago. This prompt ac-
tion was accepted in the capital as in-
dicating that there was complete un-
derstanding between the Democrats and
Republicans regarding the nominations.
Senators on both sides lauded Mc-
Goldrick.

STATE DRY 'TRIPLETS'
TO DIE IN COMMITTEE

Anti-Saloon League Abandons
Hope of Passing Bills.

Special Dispatch to THE NEW YORK HERALD.
New York Herald Bureau.
Albany, March 6.—The Anti-Saloon League has given up
hope of passing its "triplet" bills at this
session of the Legislature. These
measures would give to cities, towns
and villages the power to enact ordi-
nances for the enforcement of the Fed-
eral prohibition laws.
William H. Anderson, anticipating the
defeat of the bills, announced to-night
that the league would make an effort to
pass them at the session next year and
would add counties as units to enforce
prohibition.
Mr. Anderson declares the gambling
interests are endeavoring to amend the
bills so that they will apply to propi-
etary only and not affect race track
betting. In the hope of getting favor-
able action Mr. Anderson said the league
would accept such an amendment but
would not recommend it. There is every
indication, however, that the bills will
never get out of committee.

REALTY MEN HOSTILE
TO LOCKWOOD BILLS

Special Dispatch to THE NEW YORK HERALD.
New York Herald Bureau.
Albany, March 6.—Strong opposition is developing to
several recommendations made by the
Lockwood committee in its report and
now pending before the Legislature in
the series of bills presented by the com-
mittee. Most of the measures will go
through. Two or three are in doubt.
The committee probably will arrange a
public hearing on all the measures for
some day later in the week.
Certain real estate and financial in-
terests are against a few of the bills,
but the real estate men are not a unit
in opposition.
Gov. Miller has indicated he does not
approve the proposal for a board of
trade and commerce to regulate all build-
ing after the manner of the Interstate
Commerce Commission's handling of the
commercial questions. If the Governor
does not change his attitude that bill
will not pass.
There is some opposition to the propo-
sition that the Metropolitan Life Insur-
ance Company put \$100,000,000 into
building loans. This comes mostly from
institutions making their money out of
regulation for the mortgage market.
The same interests are opposed to
measures to provide for insurance com-
panies and savings banks generally in-
vesting a large percentage of their assets
in real estate mortgages. This is not
regarded seriously as it is known the
opponents are prompted solely by their
desire to make money and not to help
the building situation.
Generally, sentiment in the Legislature
favors most of the bills and their pass-
age is almost positive.

NEWBERRY CASE UP AGAIN.

WASHINGTON, March 6.—Senator Car-
away (Ark.), Democrat, to-day sought
unanimous consent to introduce his resolu-
tion for investigation of charges by
Senator Poindexter (Wash.), Republi-
can, that "malign and unlawful in-
fluence" had been used to obtain votes
against the Newberry amendment
(Mich.), Republican, in the Ford-New-
berry election contest.
Senator Wadsworth (N. Y.), Republi-
can, objected because so few Senators
were present and the measure went
over.

SUBWAY MUST SEAT EVERY
FARE EXCEPT IN RUSH HOUR

Continued from First Page.

entirety showed a net corporate income
of \$75,077.83, as against a 1920 deficit
of \$215,308.77.
The net deficit for all companies oper-
ating in the city aggregated \$2,745,000
for the last six months of 1921, but that
figure includes \$2,100,000 of dividends
due for that period under the lease to
the Interborough, a charge which has
nothing to do with operating cost or
net corporate income. The true deficit
figure is \$655,000 for six months, as
against an aggregate deficit of \$13,000,-
000 for the entire fiscal year 1921.
Mr. Lindars explained that this im-
provement does not mean necessarily that
any of the companies will have con-
siderable sums available for improved
service, as many of them are long in
arrears for interest payments and taxes.
Other tables were entered in evidence
setting forth the ratios of operating ex-
penses and taxes to operating revenue
on all the lines. These showed that the
Brooklyn Rapid Transit's subway and
elevated lines had improved 34 per cent.
in relation to the six months period,
while the Interborough's subway and
elevated divisions had improved only 4
per cent. Mr. Shearn said the com-
parison seemed so remarkable that he
thought it called for further analysis
and a report disclosing all contributory
factors.

Complaints of the numbers of pas-
sengers carried during the latter half
of 1921 disclosed the fact that while
there had been an increase of 25,000,000
carried in the elevated and subway
cars, the surface car passengers had in-
creased by 39,000,000. On the elevated
lines the passengers carried were fewer
by about 12,000,000 than for the like
period of 1920.

Mr. Lindars was excused after he had
said he was preparing a statement show-
ing the actual cash condition of each of
the companies and expects to have it
ready within a week.

Daniel L. Turner, chief consulting en-
gineer of the commission, presented re-
sults of studies of actual service condi-
tions made recently by the commission's
bureau of transit inspection at points on
all city lines.
Observations of southbound express
service in the Interborough's Seventh
avenue subway at the Ninety-sixth
street station on February 9 covered
seven hours and twenty minutes, includ-
ing the morning rush hour peak as well
as the hours of minimum traffic. The
observation periods were divided into
twenty minute stretches. During twenty-
one out of the twenty-two of these
twenty minute periods, Mr. Turner re-
ported, there were more passengers car-
ried than seats. The overload at one
point ran as high as 247 per cent.
"That means," said the witness, "that
there were nearly 250 persons stuffed
into a car, the normal capacity of which
is fifty passengers."

Northbound express service, observed
from the same station, was equally over-
loaded, the witness said. "Overloading,"
he said, "was the worst feature of the
service at 1 o'clock in the afternoon
and extended practically continuously

until 1 o'clock the next morning."

It was demonstrated that service
everywhere, save in the maximum peak
of the rush, had been skimmed, as Frank
Hedley, president of the Interborough,
admitted several weeks ago, in the in-
terest of economy.

After Mr. Turner had testified volun-
tarily Judge Shearn addressed the
commission. He said: "It is undoubt-
edly true it will be impossible to get
a really proper service here except un-
der the reorganization plan of the com-
mission, which eliminates the motive
of greed for profit. But, irrespective
of the plan, I maintain there can and
should be a substantial improvement
in this service without any undue de-
lay."

Judge Shearn said it must not be
supposed the Interborough's case is
isolated. It is merely typical. "You
will find when the figures go in for
the other companies," he said, "the
same deplorable conditions in the sub-
way operated by the B. R. T. and we
have even worse conditions on many
of the surface lines."

The commission will resume its ex-
amination this afternoon, taking up
other companies.

HYLAN DEMANDS ACTION
ON \$25,000,000 BUSES

Scores Legislative Delay and
Attitude of the Press.

Using the meeting of the committee of
the whole of the Board of Estimate as a
forum Mayor Hylan delivered an attack
on the "subsidized press" yesterday af-
ternoon and wound up by having each
member of the board send telegrams to
every member of the Legislature urging
the passage of the bill that would ex-
empt the city to spend \$25,000,000 for
buses.

"The people of this city are sick and
tired of the dilatory tactics of the Leg-
islature," said the Mayor. "They are
also tired and disgusted over the atti-
tude of the subsidized press, which is
abusing this administration and charg-
ing that we have no solution of the trans-
it problem in this city. There are many
people mortgaging their homes to buy
automobiles to ride in because of the
wretched condition of the transit system.

If the Transit Commission and the press
would advocate the spending of \$25,000,-
000 for buses instead of trying to un-
load \$450,000,000 worth of surface rail-
ways on the people of the city, they
would be doing a real service."
"I want to say further that the people
will demand of the courts a more liberal
interpretation of the laws finally affect-
ing the people's pockets than they have
in the past. The time has come
when the courts must meet the demands
of the people. People here have as much
right to ride in city owned automobiles
as they have to ride in private cars. If
municipal buses are permitted, there
will be traffic people riding in private cars
and a consequent reduction of traffic con-
gestion."

CRAIG LOSES IN FIGHT
AGAINST JAIL SENTENCE

U. S. Supreme Court Refuses
to Hear Petition.

WASHINGTON, March 6.—The contempt
case against Comptroller Charles L.
Craig of New York city will not be re-
viewed by the Supreme Court.
Comptroller Craig was sentenced to a
term of sixty days in the Essex county
jail, Newark, by United States District
Judge Mayer, who held that a letter the
Comptroller addressed to Public Service
Commissioner Lewis Nixon under date
of October 6, 1919, constituted contempt
of court. Circuit Judge Mantou subse-
quently granted a writ of habeas corpus
and discharged Comptroller Craig, but
the Circuit Court of Appeals took juris-
diction, and it is from this action Com-
ptroller Craig sought to appeal.

Judge Julius M. Mayer sentenced
Comptroller Craig to the term in the
New Jersey jail, and a short time after-
ward Judge Mayer reversed this de-
cision, freeing Mr. Craig. The Govern-
ment intended to take steps to review
Judge Mantou's decision, holding that
he had not sufficient power to reverse
the decision of Judge Mayer. To pre-
vent this review Edmund L. Mooney,
counsel for the Comptroller, went to the
Supreme Court and endeavored to obtain a
writ of prohibition. This the Supreme
Court refused in the decision rendered
yesterday.

The peculiar part of the situation is
that owing to the call to Judge Julian
W. Mack to hold court in the West both
Judge Mayer and Judge Mantou will sit
in Circuit Judges here when the matter
is brought up for review in the United
States Circuit Court of Appeals.

'CRIME WAVE' BILLS
PASSED BY THE SENATE

Four Walton Measures Go
Through After Long Debate.

ALBANY, March 6.—Four Walton
measures, referred to by legislators as
the "crime wave" bills, were passed by
the Senate to-night after a lengthy de-
bate. The bills had been recommended
by the recent conference of New York
State District Attorneys. The four
measures seek to provide for:
Abolition of the indeterminate sen-
tence.

Increase of from \$50 to \$100 the
dividing line between petit and grand
larceny.
Establishment of the penalty for rob-
bery, first degree, at ten years or more,
with no limit on the maximum.
Establishment of a penalty of life
imprisonment for murder, second degree.

PASS ANTI-GRETTA GREEN BILL

Forbids Marriage Within Three
Days of Issuance of License.

ALBANY, March 6.—The Assembly to-
night passed the Steinberg bill, designed
to provide that marriage ceremonies
shall not be performed within three days
from the date the marriage license is
issued unless authorized by order of a
judge of a court of record.

The United Electric Light & Power Co.

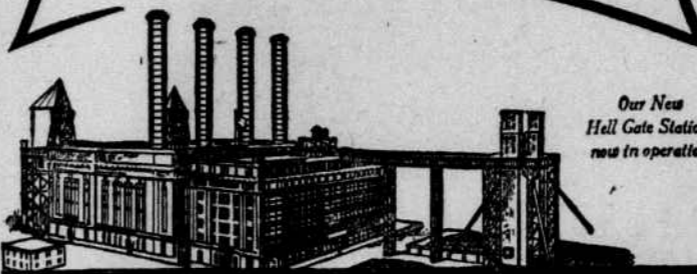
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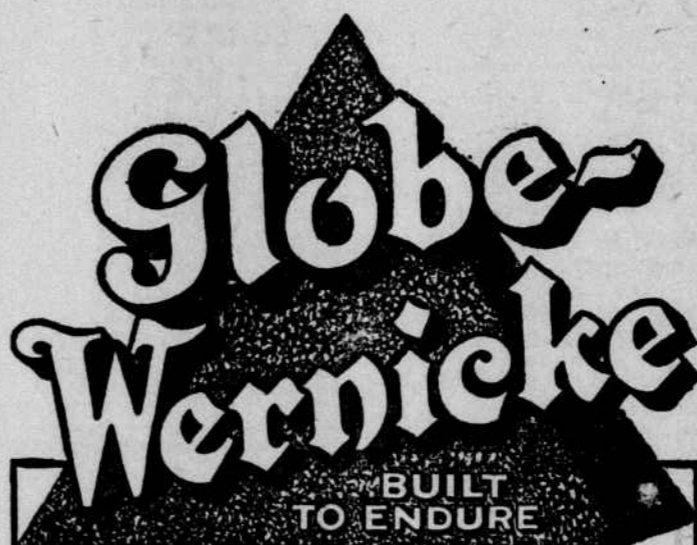
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